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Attorneys for Defendants

DIGITAL NETWORKS NORTH AMERICA, INC. and

LEGACY SUPPORT SERVICES, LTD.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

No. 07 CV 5568 JSW

JENS ERIK SORENSEN, as Trustee
of SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Plaintiff,

v.

DIGITAL NETWORKS NORTH
AMERICA, INC., a Delaware
corporation; LEGACY SUPPORT
SERVICES, LTD. d/b/a S2G; and
DOES 1-100,

Defendants.

**DECLARATION OF KURT W. ROHDE
IN SUPPORT OF (1) DEFENDANTS'
MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PARTIAL
LIFT OF STAY AS TO LEGACY
SUPPORT SERVICES FOR PURPOSES
OF ENTERING DEFAULT; AND (2)
LEGACY SUPPORT SERVICES'
MOTION TO SET ASIDE ANY
APPEARANCE OF DEFAULT AND TO
GRANT LEGACY THE SAME
ENLARGEMENT OF TIME TO ANSWER
AS DNNA**

Date: June 13, 2008

Time: 9:00 a.m.

Ctrm: 2, 17th Floor

Judge: Hon. Jeffrey S. White

1 Kurt W. Rohde declares and states as follows:

2 1. I am an associate at the law firm of McDonnell Boehnen Hulbert & Berghoff
3 LLP, attorneys for Defendants in this case. Unless otherwise stated herein, I have personal
4 knowledge of the facts stated in this declaration and if called upon by a court of law to do so, I
5 could and would testify competently to them.

6 2. The request for Reexamination 90/008,976 was not submitted by Digital
7 Networks North America, Inc. ("DNNA") or Legacy Support Services, Ltd. ("Legacy"), nor was
8 it submitted by any entity at the request of the aforementioned Defendants.

9 3. Prior to the alleged Answer date of January 13, 2008, Legacy was aware of the
10 Court's Order Granting Defendant's Motion Pursuant to Civil L.R. 6-3 To Enlarge Time to
11 Respond to the Amended Complaint, Docket #33, and Legacy reasonably relied on the plain
12 language of the Order in determining that it was not required to Answer unless and until ten days
13 after the Court entered an Order denying the Motion to Stay

14 4. Before January 13, 2008, Legacy was represented by McDonnell Boehnen
15 Hulbert and Berghoff LLP, attorneys for DNNA.

16 5. Attached hereto as Exhibit A is a true and correct copy of the United States Patent
17 and Trademark Office Communication concerning Reexamination 90/008,976.

18 6. Attached hereto as Exhibit B is a true and correct copy of a letter from Melody
19 Kramer to Kurt Rohde, dated April 16, 2008.

20 7. Attached hereto as Exhibit C is a true and correct copy of a letter from Kurt
21 Rohde to Melody Kramer, dated April 21, 2008.

22 8. Attached hereto as Exhibit D is a true and correct copy of Docket Entry #12 in
23 *Sorensen v. First International Digital, Inc.*, No. 3:07-cv-05525 (N.D. Cal. 2007) (J. White), as
24 downloaded from the PACER electronic docket service.

25 9. Attached hereto as Exhibit E is a true and correct copy of Docket Entry #8 in
26 *Sorensen v. Johnson Level & Tool Manufacturing Co.*, No. 3:08-cv-00025 (S.D. Cal. 2008), as
27 downloaded from the PACER electronic docket service.

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